

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

POLICE DEPARTMENT

This document is the NOBLE Management Audit Response Matrix. The NOBLE Audit Report is broken into 16 chapters of recommendations, which focuses on 25 key areas of concerns. I am pleased to report that we have accepted and have been working on implementing the majority of the recommendations. Although I feel we have made substantial progress in our efforts, we definitely still have much more work to do on re-building the police accountability and management systems from the ground up.

The following five goals were established for the organization by the BART General Manager:

1. Strengthening service to our customers (visibility)
2. Strengthening management oversight of the department (accountability)
 - a. Current policies
 - b. Formalize process for tracking policies
 - c. Assured delivery of increased training
3. Strengthening services to our communities
 - a. Cultural groups/activities
 - b. Cultural competence
4. Helping to establish citizen oversight
5. Provide support & resources to PD employees (morale)

Using the corresponding numerical number in front of the before mentioned priorities, I have categorized each of the specific recommendations from the NOBLE Audit under one of the priorities. Along with the category that the recommendation falls under, the matrix also lists the major key area of concern, a brief description of the recommendation, the page number the specific recommendation can be found on in the NOBLE Audit, the current disposition of the recommendation, any department action that has been taken regarding the recommendation, and who his responsible for follow up or follow through for the completion of each specific recommendation.

Description	Report Page	Disposition	Department Action	Category	Committee
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Going forward, we will report out on our progress on the NOBLE Audit twice a year (June & December). We also will begin to vet our department actions regarding each recommendation through our newly established Citizen Review Board (CRB).

Chief Kenton W. Rainey

NOBLE BART Management Audit Response Matrix

Description, (including NOBLE recommendations)	Report Page	Disposition	Department Action	Category	Committee Name
CULTURE					
BART PD should form a proactive Police Advisory Board to provide non-binding feedback on proposed significant initiatives.	34	Completed/ Ongoing	<p>After the CRB is seated the COP will evaluate the need to implement this recommendation</p> <p>July 2010- December 2011, the chief has met with multiple partners and stakeholders throughout the District, some are listed below:</p> <p>James Keys, Crisis Prevention Chair of SF Mental Health Board Pastor McDaniel Oakland</p> <p>Oakland Private Industry Council, Alameda County Social Services Agency, Eastmont area, represented by Roger Stanten</p> <p>George Holland, (NAACP)</p> <p>Dr. Elnora Webb, Laney College President</p> <p>Ron Doyle, 7th Step Foundation, Inc.</p> <p>Piriam Pong, Greek Orthodox Representative</p> <p>George Holland</p>	3	Chief

			SF NAACP, Rev. Amos Brown and Oakland NAACP, Cephus Johnson, Oscar Grant Foundation		
RECRUITMENT & SELECTION					
<p>BART PD should require essential signatory documents be signed by police officer candidates as a condition of employment.</p> <ul style="list-style-type: none"> • Core Values • Vision Statement • Mission Statement • Law Enforcement Code of Ethics • Canons of Law Enforcement Ethics • Law Enforcement Oath of Honor. 	38	Completed/ Ongoing		5	Chief
BART PD should establish Recruitment and Retention Advisory Council represent cross section of private and public employees, community members and stake-holders receiving BPD law enforcement services.	39	Accepted/ In Progress	Two members of the CRB, two members from the BPOA along with BART HR, BART PD personnel and training comprise the committee. The committee is meeting monthly. Projected completion of plan by July 2013.	3	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should recruit qualified individuals from both private and public organizations	40	Completed/ Ongoing		3	Deputy Chief Glenn-Davis &

<p>who possess the following characteristics;</p> <ul style="list-style-type: none"> • Integrity • Service orientated • Interpersonal relations • Team compatibility • Performance driven 					Lt. Haight
<p>BART PD should work to build a strong relationship with the community by identifying key community and business leaders. Suggest partnerships to include military, colleges, high school counselors, community-based organizations, student associations and private customer service organizations.</p>	41	Completed/ Ongoing		3	Deputy Chief Glenn-Davis & Lt. Haight
<p>BART PD should develop a flexible profile of an effective police officer by identifying the “most viable candidates.” BPD should identify the knowledge, skill, abilities, education, training, behaviors and traits that make an effective officer. This identifies a target upon which selection is based.</p>	42	Completed/ Ongoing		3	Deputy Chief Glenn-Davis & Lt. Haight

BART PD should continue to conduct on-going studies on where police recruit candidates come from and why they want to work for BPD.	43	Accepted/In Progress	We have implemented a questionnaire and report for this information. Both are now part of our recruiting process. BPD has begun collecting information toward implementation of an ongoing analysis. As an example, on Nov 17, 2012, we tested 110 applicants. 58% informed by internet, 19% by BART Employee, 8% by station ad, 6% friend, 4% relative, and 3% by job fair. 15 applicants in backgrounds 40% informed by BART Employee, 30% friend, 26% internet. #1 website bart.gov	2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should analyze recruitment effort by recognizing how much the department knows about its past recruitment efforts.	44	Accepted/In Progress	We have completed a preliminary analysis, and will continue to gather data, refine the process and report results.	2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should develop a recruitment plan that addresses the questions of whom, what qualities, where, why and how your agency will achieve its recruitment goals.	45	Accepted/In Progress	A recruitment plan will be incorporated as part of our strategic plan. Recruitment/Retention Plan has been initiated through the recruitment and retention committee. Projected RRP completion date of July 2013	2	Deputy Chief Glenn-Davis, & Lt. Haight
BART PD should not require more than two round-trip visits to complete the entire application process for out-of-state police officer candidates.	47	Completed/Ongoing	At the April 2012 test date, an out-of-state applicant was allowed to complete the written, physical and oral board testing in one day. Current applicants are now allowed to complete the polygraph, medical, and psychological evaluation on a second visit.	2	Deputy Chief Glenn-Davis & Lt. Haight

BART PD should ensure contact is maintained with applicants for all positions from initial application to final employment disposition.	48	Accepted/In Progress	<p>Although we already maintain contact with applicants we will develop a written procedure and incorporate it into our RRP (which has a projected completion in of July 2013) recruitment protocols Applicants are typically notified 30 days (month) prior to informational session. Applicants are typically notified 30 days (month) prior to entry level testing. Applicants are typically notified 3 weeks after entry level testing of results.</p> <p>Applicants are notified within two weeks after interview assessment. Applicants placed in eligibility pool are notified on date of expiration. Applicants in background phase are contacted weekly informing them of the status of their background investigation. Written procedure on-going, being addressed by RRP Committee.</p>	3	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should adapt a customer-focused hiring philosophy through personalizing the recruitment process.	49	Accepted/In Progress	<p>We have implemented a “practice” physical agility (open to all, but geared toward female candidates) to assist with successful completion of that portion of the exam... we are implementing a “family orientation night,” designed to inform/educate attendees about culture/expectations. We will work with CRB to look at implementing other</p>	3	Deputy Chief Glenn-Davis & Lt. Haight

			desirable, customer-focused practices (to be codified in RRP, projected completion by July 2013 Applicants in backgrounds are contacted weekly to keep them up to date on their status. Applicants in backgrounds are also provided the Department Newsletter in order to facilitate connectivity to Dept. Personnel Supervisor attends job fairs, academies, public events, colleges, and gives interested persons his direct phone line. Presentations to potential applicants include overview of BART and system map, list of special assignments in Dept., facts about BART i.e. expansion, ridership, # of employees, etc. Police authority 830.33pc, typical shift, types of cases, benefits offered.		
BART PD should conduct behavioral-based interviews are recommended. Interview questions must be based on job-related knowledge, skills, abilities, behaviors and traits.	50	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should develop a writing exercise component as part of the application process to assess written communication skills. A written communication standard should be set.	52	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight & Sgt. McCarty

BART PD should expose recruit's family to law enforcement culture/family orientation.	53	Completed/ Ongoing		5	Deputy Chief Glenn-Davis & Lt. Haight
TRAINING					
BART PD should establish a Training Committee and develop a written policy to outline the composition of the committee, the duties and responsibilities of the committee and its members, the meeting schedule for the committee and designate the chairperson of the committee.	58	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should establish a written directive that governs training attendance requirements.	59	Completed		2	Deputy Chief Glenn-Davis & Lt Haight
BART PD should establish a written directive that governs reimbursement to employees attending applicable training programs.	60	Completed		2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should ensure that courses developed within the BART PD are routinely sent to POST for certification.	61	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should develop and publish a directive establishing agency policy concerning remedial training.	62/63	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight

BART PD should develop and publish a directive establishing agency policy concerning the documentation of remedial training.	62/63 <i>see above</i>	Completed		2	Deputy Chief Glenn-Davis, Lt. Haight & Lt. Forte
BART PD needs to undertake an evaluation and analysis of the Training records, maintenance protocols and system.	64	Completed/ Ongoing	Training orders are current in TMS. Protocols are in place to keep training records current.	2	Deputy Chief Glenn-Davis Lt. Haight & Lt. Forte
BART PD should consolidate the policies and procedures relating to training (recruit and CPTN) in one directive.	66	Completed		2	Deputy Chief Glenn-Davis Lt. Haight
Despite the ability to waive the field training requirement for lateral entry officers, the BART PD puts each new officer through the entire program.	67	Completed/ Ongoing		2	Deputy Chief Fairow & Lt. Alvarez
BART PD should expand the list of courses the Training Plan to include more courses in communication, verbal judo, human diversity, handling emotionally disturbed persons, community policing, etc.	70	Completed		2	Deputy Chief Glenn-Davis Lt. Haight & Lt. Forte
BART PD should develop and publish a written directive that outlines the policy and procedures concerning in-service, shift briefing and advanced training.	72	Completed		2	Deputy Chief Glenn-Davis Lt. Haight & Lt. Forte
BART PD should develop and publish a written directive	74	Completed/ Ongoing		2	Deputy Chief Fairow

describing the policies, procedures and purposes of shift/roll call training.					Lt. Haight & Lt. Forte
BART PD should develop and publish a written directive describing the policies, procedures relating to specialized assignments and any pre-or post-training required for the position.	75	Completed/ Ongoing		2	Deputy Chiefs Hartwig & Glenn-Davis, Lt. Haight & Lt. Alkire
BART PD should develop and publish a written directive that documents the training requirements for all SWAT Team training.	76	Completed/ Ongoing		2	Deputy Chief Fairrow & Lt. Franklin
BART PD should develop and publish a directive devoted to the training requirements for non-sworn employees.	77	Completed/ Ongoing		5	Deputy Chief Glenn-Davis & Lt. Haight
Using the Training Plan as a foundation, establish a career development plan and publish a written directive outlining the policies and procedures associated with the plan. This plan should help employees of the BART PD in either their vertical or horizontal career plan development aspiration goals.	78	Accepted/ In Progress	Career development plan to be resubmitted for review by March 31, 2012	5	Deputy Chief Glenn-Davis Lt. Haight
Defensive Tactics	79	Completed/ Ongoing	A comprehensive Defensive Tactics curriculum has been incorporated in the annual training schedule (including AOT). In 2011 officers completed approx.	2	Deputy Chief Glenn-Davis Lt. Haight

			18 hours of DT training (including IW; TASER; Force Options, and handcuffing techniques training). The curriculum is based on POST requirements, law enforcement best practices, and recommendations from the BPD Use of Force committee; BART has mandated that sworn personnel receive a minimum of 40 hours of training a year. We have incorporated this recommendation into our in-house CPT		
Training Unit to be Commanded by Lieutenant and staffed by civilians.	79	Completed	BPD does not accept the recommendation to civilianize the Unit at this time. A lieutenant has been assigned to now oversee the Training Unit.	2	Chief Rainey, Deputy Chief Glenn-Davis & Lt. Haight
Increased supervisory focus on COPPS/POPs. And directed patrol activities.	79	Completed/ Ongoing		2	Deputy Chief Fairrow
Executive Training	79	Completed/ Ongoing		5	Chief & Deputy Chief Glenn-Davis
Community Policing	79	Completed/ Ongoing	The Department reorganized to incorporate a geographic team policing structure in support of the COPPS philosophy beginning January 2012. The District now has five zones, each led by a lieutenant with 24/7 accountability for their zone. Zone CSO liaisons are	2	Chief & Deputy Chief Fairrow

			<p>currently being assigned to work with the COPPS unit and meeting regularly to implement strategies at the Zone level. SGT's have assigned PSA's as of April 2012.</p> <p>Beginning in January 2013, there will be a total of six zones (splitting Z2) for the purposes of better resource deployment and targeting of problems.</p>		
Evaluation of SWAT	80	Accepted/ Pending	Evaluation will be completed by July 2013.	2	Chief & Deputy Chiefs
Evaluation of Tactical Unit	80	Accepted/ Pending	Evaluation will be completed by July 2013	2	Chief & Deputy Chiefs
Evaluation of Revenue Protection	81	Do not recommend at this time	No action taken	2	Chief
Fare Evasion (Also see Racial Profiling Policy, Report pg. 121, Audit pg. 9)	81	Accepted/ In Progress	Lexipol Policy #419 We have developed a comprehensive program and training curriculum with the Consortium for Policing Leadership in Equity (CPLE) to prevent bias-based policing and racial profiling. CPLE Training, review, and analysis began the 1 st quarter of 2012. . Patrol personnel have received the training.	2	Deputy Chief Glenn-Davis & Lt. Haight
Visibility	82	Accepted/ Ongoing	It has been emphasized by the General Manager and re-emphasized during our Team Building Workshop occurring early in 2011 and during daily lineups that our presence on the trains, platforms & garages is a top priority of the District and our customers. A	1	Chief & Deputy Chief Fairow

			Directed Patrol program, started in January 2011, assigns personnel to platforms and trains during key times. This is currently tracked via our Performance Measures report Patrol Officers also work with the Community Policing Unit to ensure increased presence in key locations and at peak times in order to not only increase visibility, but to make that visibility meaningful. Lastly, personnel are assigned to the Trans-Bay Tube portal station platforms during commute hours. As of October 0f 2012, officers have increased their patrol train rides to 4 per shift.		
BART PD should utilize a formal in-depth post-training academy designed to provide any information which is not ideally suited for the basic training academy, but would be advantageous to understanding prior to beginning field training.	84	Completed/ Ongoing		2	Deputy Chiefs Fairrow, Glenn-Davis & Lt. Alvarez
BART PD should implement a leadership succession plan to assist in the development of supervisors' decision-making and leadership skills as it relates to preventing racial profiling.	86	Accepted/ Ongoing	Ranks of Lt.'s and above will be scheduled to attend POST's <i>Role of the Police Chief and Executive Development Courses</i> and PERF's Senior Management Institute for Police (SMIP). Sgt.'s will be encouraged and allowed to attend POST's Supervisory Leadership Institute (SLI) All permanently assigned lieutenants and a DC have	5	Chief & Deputy Chief Glenn-Davis

			<p>attended to the POST Role of the Chief's course. Three members of the command staff have attended SMIP in Boston.</p> <p>Six sergeants have attended or are currently attending POST's Supervisory Leadership Institute (SLI); two are scheduled to attend next year.</p> <p>BPD also participates in Inner Perspective leadership training for officers. Two officers have attended, and two more officers are scheduled to attend in Jan. 2012. All FTO's, Sgt's, Lt's, Deputy Chief's and Chief have completed Fair and Impartial Training.</p>		
EQUIPMENT					
BART PD should implement RAILS because the various systems and equipment located in the old center are not integrated.	89	Accepted/ In Progress	New CAD & RMS scheduled to come online during FY 13-14 and we will evaluate whether the system adequately addresses the recommendation. Project management meetings are held and attended by BPD and IT consultants, staff. Various Dispatch personnel and Supervisors are receiving ancillary training (leadership/supervision, Comm. Policing, tactical, communications, etc.)	2	Deputy Chief Hartwig & Carissa Goldner
Communications with BART PD & BART IT <i>See below sections from page 93 & 94</i>	93	Completed/ Ongoing	Monthly information exchange meetings are held between BART PD & BART IT; the COP regularly attends (next meeting to be held January 2013)	2	Chief Deputy Chief Hartwig & Carissa Goldner

BART PD and BART IT must improve communications. BART PD should form its own Information Technology and Support Unit.	93	Do not recommend at this time	No action taken	2	Chief
BART PD should train on RAILS and other related systems must be provided to all appropriate BART PD employees.	93	Accepted/ Pending	No action taken due to the new CAD & RMS scheduled to come online during FY 13-14 Training will occur when RAILS is implemented.	2	Deputy Chiefs Hartwig, Glenn-Davis & Carrisa Goldner
All personnel assigned to the communication center should be certified by the Association of Professional Communication Officers (APCO).	93	Accepted/Do not recommend at this time	All Dispatch personnel are POST certified and receive a minimum of 24 hrs. CPT every two years One dispatcher is CIT trained, two are on the Trauma Response Team. All dispatchers will receive CIT training as available classes are identified.	2	Deputy Chief Hartwig
MDT's should be installed in all appropriate BART PD vehicles.	93	Completed/ Ongoing	New CAD & RMS scheduled to come online during FY 13-14, we will evaluate whether the system adequately addresses the recommendation. Officers are trained in the proper use of the MDTs during the FOCUS Program.	2	Deputy Chief Hartwig & Carrisa Goldner
MDT Policy	94	Completed		2	Deputy Chief Hartwig & Lt. Alkire
Need for a back-up communication center and computer system.	94	Do not recommend at this time	In the event we are unable to dispatch from the Integrated Security Response Center (ISRC), we have the ability to dispatch calls from a remote trailer located at one of our satellite facilities and from a location within	2	Deputy Chief Hartwig & Carissa Goldner

			Contra Costa County. However, we will continue to review our practices		
BART PD should consider hand-held computers to facilitated completion of reports and streamline data entry.	94	Do not recommend at this time	No action taken	2	Deputy Chief Hartwig & Carrisa Goldner
BART PD should consider implementing Compstat process and using new RAILS technology	94	Accepted/ Ongoing	New CAD & RMS scheduled to come online during FY 13-14. The Comp Stat process has been implemented, beginning January 2012, and coinciding with the implementation of zone policing.	2	Deputy Chief Fairow
BART PD should consider having a liaison with the Northern California Regional Intelligence Center in San Francisco and the Joint Terrorism Task Force.	94	Completed/ Ongoing		2	Deputy Chief Hartwig & Lt. Franklin
Basic Radio Communication	97	Completed/ Ongoing		2	Deputy Chief Fairow
Procurement	102	Completed/ Ongoing		2	Deputy Chief Hartwig
Firearms/Sig Sauer	105	Completed		2	Lt. Franklin & Range Master
Does not agree with the practice of BART Officers being permitted to purchase their own "on-duty" pistols. (other than Sig Sauer)	106	Accepted/ Pending	Although the COP accepts, this recommendation is still under review. Chief has met with the Professional Standards Deputy Chief and the Lt. in charge of the range staff to begin the review of the process of implementing	2	Chief & Deputy Chiefs

			<p>weapon standardization.</p> <p>A proposal has been submitted and is currently under review.</p> <p>New officers are issued Sig Sauer 40, prior officers must maintain current weapon, no changes in weapon allowed.</p>		
Does not recommend that officers be permitted to carry back-up weapons.	106	Accepted/ Pending	<p>Back-up firearms were eliminated by the interim COP. However, the current COP is still reviewing this recommendation. Review will be completed and authorization of back-up weapons will be reconsidered upon complete implementation of the MVR program in July 2013.</p>	2	Chief & Deputy Chiefs
Recommend that officers carry triple retention holsters which will provide safety for officers and general public.	106	Complete/ Ongoing	<p>Although the COP accepts this recommendation in concept it is still under review.</p> <p>All new officers are issued triple retention holsters.</p>	2	Deputy Chief Glenn- Davis & Range Master
An evaluation of the viability and usefulness of a SWAT unit should be assessed.	107	Accepted/ Pending	The need for a SWAT Team is being evaluated by the COP and will be completed by July 2013.	2	Chief & Deputy Chiefs
Not all Radio Patrol Cars are equipped with shotguns, they are optional equipment which properly trained and qualified officers may carry.	107	Completed	<p>All officers are trained in shotgun procedures. Shotguns will be required to be utilized in all active marked patrol vehicles. Complete by December 2012. Bulletin issued November 2012.</p>	2	Deputy Chief Hartwig & Deputy Chief Fairrow
BART PD should purchase a Firearm Simulator (FATS) or other similar technology	107	Completed	New FATS purchased in June of 2012.	2	Chief, Deputy Chief Glenn- Davis &

					Deputy Chief Fairow
Directive #68 is outdated and needs to be revised.	107	Completed	Directive #68 has been eliminated. Lexipol Policy 312 (Firearms) has been implemented with updated information.	2	Deputy Chief Hartwig Lt. Alkire
Recommends that oversight be given regarding the firearms re-qualification of police officers.	107	Accepted/ Pending	BPD has increased re-qualification requirements to a minimum of 12 hours, annually. Lexipol Policy 312 (Sect. 312.4.5) will be amended to codify the requirement that officers returning from extended leave re-qualify prior to their return to duty. Sect. 312.4 will be amended to codify the requirement for Active Shooter training. All revisions will be completed by March 2013.	2	Deputy Chief Glenn-Davis, Lt. Franklin & Range Master
Each officer should be issued their own TASER. Does not recommend allowing employees to purchase their own Taser.	108	Completed		2	Deputy Chief Hartwig & Lt. Alkire
The use of 40 MM chem. Launchers does not appear practical.	108	Completed		2	Deputy Chief Hartwig & Deputy Chief Fairow
All practice ammunition should be lead-less during prequalification or practice.	109	Not recommended at this time	We do not shoot at an indoor facility so this is not an issue	2	Deputy Chief Glenn-Davis, Lt. Franklin & Range Master
Police communications' center needs to be reviewed and rewritten to address several serious issues such as:	110	Not recommended at this time/Pending	The Communication Center is now located in a secure, access controlled environment. Access by Treasury personnel is	2	Deputy Chief Hartwig

<ul style="list-style-type: none"> • Access control • Policy review 			limited (for the approved purpose) and strictly controlled. Response actions completed		
FACILITIES AND MAINTENANCE					
BART PD should move to a more professional building with adequate space to accommodate its headquarters staff and clerical personnel.	116	Accepted/ In Progress	Negotiations for a new police department location have begun.	5	Chief, Deputy Chief Hartwig & Lt. Haight
BART PD must push for a new police facility to house the command and clerical staff. Roll call is being held in a small room with no windows or air vents. The facility lacks adequate room for the staff which must utilize it.	117	Accepted/ In Progress	Currently working with BART Real Estate and Maintenance on recommendations, BPD meets regularly with Facilities Working Group regarding on this subject. BPD delivered a list of priorities for satellite facilities to the Working Group.	5	Chief, Deputy Chief Hartwig & Lt. Haight
The BART PD satellite facilities are in dire need of renovation, replacement, or rebuilding. The low quality of these facilities an effective working environment serves as a disabling factor for all the employees working in them. It also creates a perception that the BART administration does not value their contribution to the BART mission.	118	Completed	BART Police has accepted control of the office.	5	Chief, Deputy Chief Hartwig & Lt. Haight
RACIAL PROFILING					
BART PD should establish and implement a racial profiling policy that is known and adhered to by all members of the police department.	121	Completed		2	Deputy Hartwig & Lt. Alkire

The Chief of Police should conduct annual internal reviews of the policies and procedures to determine if policy or procedural changes need to be made when applicable.	123	Accepted/ In Progress	Signed a Letter of Intent to work with the Consortium for Policing Leadership in Equity (CPLE) to develop a comprehensive program to address biased-based policing and racial profiling in-progress. BPD personnel interviews completed; additional CPLE assessment scheduled CPLE has visited BART and completed internal and external stakeholder interviews. BART Legal is reviewing CPLE/BART MOU. Once the MOU has been signed we will work with CPLE to develop a comprehensive fair and impartial policing program. BPD command staff, sergeants and FTO's attended Fair and Impartial Policing Training.	2	Chief, Deputy Chiefs & Lt. Alkire
To protect the officers from unwarranted accusations of racial profiling and misconduct the BART PD should establish policy and procedure for the enforcement of fare evasion.	124	Completed		2	Deputy Chief Hartwig & Lt. Alkire
All officers of the BART PD should receive training on racial profiling.	125	Accepted/ Ongoing	Patrol personnel have received the CPLE training, to sponsor training of in-house (Dept.) trainers for F & I Training in 2012. BPD to sponsor training of in-house (Dept.) trainers for F & I Training by July 2013. Cultural Competency instructors will be selected and applying for DOJ training.	2	Deputy Chief Glenn- Davis & Lt. Haight

The BART PD should stop conducting racial profiling training in DVD format and initiate instructor led training.	127	Accepted/ In Progress	We will continue to use POST DVDs to facilitate racial profiling training; In addition, we will include instructor-led training in this area. We are moving to use of POST offered on-line training that will phase out the DVD-CPTN. In addition, all command officers have received Fair & Impartial Policing Training; and sergeants and FTO's are currently receiving this training. Patrol personnel have received related training from CPLE In addition, BPD to sponsor training of in-house (Dept.) trainers for F & I Training by July 2013. Cultural Competency instructors will be selected and applying for DOJ training.	2	Deputy Chief Glenn-Davis, Lt. Haight
The BART PD should develop a written directive governing shift briefing training to keep officers up-to-date on current policies and law enforcement strategies to prevent racial profiling.	128	Completed		2	Deputy Chief Glenn-Davis Lt. Alkire
The BART PD should develop and implement an Early Intervention (EI) management system to obtain information of potential patterns of at-risk conduct involving all sworn officers.	130	Completed/ Ongoing		2	Deputy Chief Glenn-Davis, & Lt. Haight
The BART PD should expand their current data collection method.	131	Accepted/ In Progress	CPLE has visited BART and completed internal and external stakeholder	2	Chief, Deputy Chief

			interviews. We have completed a CPLE/BART MOU. We are working with the CPLE to develop a comprehensive fair and impartial policing program. BPD command staff attended Fair and Impartial Policing Training and our supervisors (sergeants and FTOs) are currently attending an F&I training course. Expanded bulletin (12-01) on law enforcement contacts was issued on January 4, 2012		Glenn-Davis & Fairrow and Hartwig
The Chief of Police should develop a directive regarding the development of community outreach programs.	135	Completed/ In Progress		4	Chief
INTERNAL AFFAIRS					
<ul style="list-style-type: none"> • Strict guidelines should be developed and all personnel should be held accountable for receiving any complaint against a police officer, documenting the complaint and notifying the supervisor. • Department fails to track use-of -force incidents • Achieving transparency and attaining 	139	Completed/ Ongoing		4	Deputy Chief Glenn-Davis, & Lt. Haight

<p>public trust are goals that must be pursued</p> <ul style="list-style-type: none"> • Transform into a verifiable policing culture of fairness, openness, problem-solving and community engagement. • Policy should indicate that complaints may be originated in person, from a toll free line, mail, email, third parties, or any other source. • Complainants should be notified by mail to acknowledge receipt of their complaint, when investigation is completed and notified of finding in writing. 					
<p>BART PD should conduct employee evaluations at least once annually Supervisors should use performance evaluations to encourage positive</p>	142	Completed/ Ongoing		2	Deputy Chief Hartwig & Lt. Alkire

behavior and to correct unacceptable behavior by ensuring that appropriate actions are taken.					
<p>It is recommended that BPD enhance its community outreach efforts relative to IA by implementing the following:</p> <ul style="list-style-type: none"> • 24-hour toll free number • BART PD mailing, internet and toll-free number available within transit system • Citizen compliment form developed • Other informational material describing complaint process in English and Spanish • On-duty officers required to carry complaint forms • Community outreach program to inform public about department and Internal Affairs 	145	Accepted/ In Progress	<p>We have completely revamped our complaint process. Complaint/Commendation forms are available on the BART website; the forms are also available in the five core languages. The forms are located in IA, OIPA, station agent booths, all BPD reporting facilities, and all patrol vehicles. Patrol personnel are encouraged to carry the forms on their person. We will be seeking permission to “house” forms in the various public libraries of the cities that BART traverses.</p> <p>In addition to the information being included in our brochures and on the website, BPD’s complaint/commendation process is also outlined in the OIPA brochure and website. We will seek to have the information placed in the CRB brochures and on their website. BPD has presented information about the IA function via public CRB meetings and District’s Police Review Committee. BPD has also begun publishing an Annual Report, and this report is currently on the BPD</p>	4	Deputy Chief Glenn-Davis , Lt. Haight

<p>function</p> <ul style="list-style-type: none"> • Develop a procedure for monitoring phone lines to ensure courtesy and respect • Supervisors to conduct audit trails using questionnaires and telephone follow-up. 			<p>website. In addition, BPD has developed brochures in five languages. These brochures are made available to the public.</p> <p>Although BPD does randomly monitor some in-coming calls, we will develop a policy and procedure for randomly monitoring in-coming calls (to Dispatch and IA), on a regular basis. This will be completed by January 31, 2013.</p> <p>Chief Rainey is currently exploring audit processes for use at BPD. It is expected that a process will be in place shortly after the implementation of the Geographical Accountability/Area Command structure... eta for completion March 2013.</p>		
<ul style="list-style-type: none"> • BART should maintain a sufficient supply of policy manuals to distribute to each employee whose duties are affected by the policy and procedure document • In-service classes should be conducted by supervisors to review and reinforce the 	147	Completed		2	Deputy Chief Hartwig & Lt. Alkire

<p>contents of the policy manual</p> <ul style="list-style-type: none"> • BART should consider enrollment in CALEA accreditation process. 					
<ul style="list-style-type: none"> • Citizens must be permitted to initiate complaints or provide feedback on an officers performance of duty • Confidentiality is crucial to the success of the internal affairs function. Files should be maintained in a secure area • BART police brochure should be maintained at all police facilities, trains, public libraries, patrol cars and other places accessible to the public • BART police compiles limited statistical data regarding the 	149	Accepted/ Pending	<p>Lexipol Policy 1020 has been implemented. The Policy is detailed and provides information on who investigates citizens' complaints; procedures to notify the relevant executive leaders of complaints, and other detailed information about the complaint/commendation process. Defined dispositions for IA cases are outlined in the Policy. Citizens may initiate complaints or provide feedback on personnel via a variety of methods (in writing; fax; in person, at a variety of locations; via telephone, etc.)</p> <p>Due to compromised security and privacy, IA has relocated to the Lake Merritt BART Facility. The IA Office is locked/secured, with "one-way" glass; it is accessible via a secondary entrance. Files are maintained in the secured IA office in locked cabinets. Complaint/Commendation forms are available on the BART website; the forms are also available in the five</p>	4	Deputy Chief Glenn-Davis & Lt. Haight

<p>internal affairs function</p> <ul style="list-style-type: none"> • IA policy should define who investigates citizens' complaints • Policy should be clear by listing procedures to notify the executive leadership of the department of complaints against officers or the department • Complainant should be notified of statues of investigation if not completed after 30 days • IA to issue written notice to subject officer. • A specific policy should be developed listing the procedures and prohibition of obtaining medical or laboratory examinations, 			<p>core languages. The forms are located in IA, OIPA, station agent booths, all BPD reporting facilities, and all patrol vehicles. Patrol personnel are encouraged to carry the forms on their person. We will be seeking permission to "house" forms in the various public libraries of the cities that BART traverses.</p> <p>BPD has implemented a robust statistical data collection system. IA Pro tracks Uses of Force, complaints, and can be used to identify emerging trends and patterns, individually and Department-wide. BPD now creates and distributes a detailed annual report. Detailed information is also provided to the OIPA. The report is on the BPD website. In addition, limited statistical data is provided to the CRB.</p> <p>Due to limited staff (two investigators), the BPD rejects the recommendation to advise parties of the status of an investigation that is more than 30-days old.</p> <p>IA currently issues advisory notices to subject officers.</p> <p>Policy 1020 (Section 1020.6.1) will be amended</p>		
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<p>photographs, participation in a line-up, financial disclosure statements and polygraph examinations.</p> <ul style="list-style-type: none"> Have defined dispositions for IA cases. 			to address the use of photographs, line-up participation, and polygraphs in IA investigations, by January 31, 2013.		
BART PD should develop and implement a computerized early intervention system.	153	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight
<ul style="list-style-type: none"> Employees receive basic IA training Train recruits in professionalism communication s, customer service and cultural diversity IA should provide training to recruits at police academy All supervisors should receive mandatory leadership training Department should track all training information Officers should 	155	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight

<p>receive the highest caliber of community policing training from outside experts</p> <ul style="list-style-type: none"> • Field supervisors should spend most of their time in the field • Training officers should be among the best trained officers in the department. 					
BART PD adopt a traditional discipline approach which supports the concept of progressive discipline and contain the required elements of basic law enforcement disciplinary procedures.	157	Completed		2	Chief & Deputy Chiefs
BART PD should develop a written directive that establishes the staff inspection function.	158	Accepted/ Ongoing	Monthly Inspections are performed; however, a written directive will be completed in January 2013	2	Deputy Chief Hartwig
DISCIPLINE					
<p>Early Warning and Disciplinary System</p> <ul style="list-style-type: none"> • The agency should consider significant modifications to the agency disciplinary system as the current 	162	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight

<p>disciplinary process does not provide for an effective Early Warning or early Intervention program</p> <ul style="list-style-type: none"> The agency should adopt a more traditional police discipline system. 					
COMMUNITY CONFIDENCE					
Community Survey of BART PD	167	Accepted/ In Progress	BART Customer Access Department conducts random surveys of commuters' perceptions of BART PD and public safety. CPLE and BPD to complete additional community surveys	3	Chief Deputy Chief Fairow Lt. Alkire
Patrol Priorities	168	Completed/ Ongoing	PD presence on trains, platforms & garages as a top priority of the District and our customers is continuously emphasized by the GM and re-emphasized during Team Building Workshops held early 2011 and lineups. Additionally, the Directed Patrol Program, begun in January 2011, details personnel to platforms and trains during key times. This will also likely be a performance measure reviewed during Compstat meeting, scheduled to begin in January 2012	1	Chief & Deputy Chief Fairow

It is recommended that BART PD continue to maintain a transit police agency.	180	Accepted	No Action Required	5	Chief
BART PD needs to establish a coordinated Community Outreach Program with a clear champion.	182	Completed/ Ongoing		3	Chief, Deputy Chief Hartwig & Lt. Forte
BART PD should try alternative patrol strategies.	183	Completed/ Ongoing		1	Chief, Deputy Chief Fairrow & Lt. Forte
BART PD should be able to monitor and gauge the needs of the customers.	184	Completed	We have been working with the BART Public Information Officer to establish a BART Police spokesperson A draft MOU between BART Media and the BART PD has been completed. A BART police officer has been assigned as the "spokesperson" representing the BART Police Department.	1	Chief, Lt. Franklin Sgt. Dixon & Lt. Alkire
BART PD needs to develop clear communications plans for officer interaction.	186	Accepted/ In Progress	Command staff attend briefings, trainings, meetings, and ride trains when practical Recently the Chief completed "all hands" meetings to meet with all police personnel in discussion.	5	Chief
BART PD should reevaluate the Police Substation concept to see if this is still a viable option.	187	Accepted/ In Progress	We established a centralized 24 hr. Watch Commander's position in January 2011. The Zone Commander position was established, beginning in January 2012 to allow for geographic accountability The substation concept remains viable due to geographical	2	Deputy Chief Fairrow & Lt. Ledford

			considerations and continues to be reviewed		
CIVILIAN OVERSIGHT					
BART PD needs to review the entire organizational structure to lessen the span of control for the Commanders/Deputy Chiefs and create additional positions to lessen the amount to headquarters administrative responsibility and allow the Lieutenants to go in the field	189	Completed		4	General Manager
USE OF FORCE					
Use of force policies should be captured in a single use of force directive to avoid confusion and ensure a consistent response by agency members when a use of force event occurs.	199	Completed		2	Deputy Chief Glenn-Davis & Lt. Haight
Complete a comprehensive, single use of force policy review and identify all definitions and conditional terms of weaponless and less-lethal force.	202	Completed		2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD's prohibition of the use of "warning shots," policy is consistent with accepted police practices. BART PD's policy is consistent with accepted police practices.	204	Accepted	No Action Required	2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should incorporate the various policies governing use	205	Completed		2	Deputy Chief Glenn-

of force into a single comprehensive policy to both reduce confusion and provide easy to find guidance in this critical area.					Davis & Lt. Haight
The intent of this standard is to minimize the severity of obvious injuries and non-visible trauma commonly associated with weapons and hand-to-hand tactics.	208	Completed	Lexipol Policy 300.4.2	2	Deputy Chief Hartwig & Lt. Alkire
The purpose of establishing a clear and consistent use of force or response to resistance reporting system within an agency is to provide effective review and analysis of use of force events.	211	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight
A single use of force policy, including a standard reporting and review process of each incident involving a use of less-lethal and weaponless force should be employed by the agency.	217	Completed		2	Deputy Chief Glenn-Davis & Lt. Haight
BART PD's policy is consistent with accepted police practices	222	Accepted	No Action Needed	2	Deputy Chief Glenn-Davis & Lt. Haight
Combine the various policies into a single use of force mechanism. Develop an annual written examination for use of deadly and non-lethal force with mandated "satisfactory" pass level.	223	Completed/ Ongoing	BPD rejects the recommendation that one policy should regulate all of the various force options. However, all "force- related" policies are located within the 300 series of Lexipol. Each non-lethal "force" policy cross references the other non-	2	Deputy Chief Glenn-Davis & Lt. Haight

			deadly force policies. BPD currently conducts annual written "force" examinations during lethal and non-lethal UOF training. Training and policies are in-line with Graham vs. Connor.		
BART PD should conduct an annual analysis of all use of force events.	229	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt. Haight
It is necessary for officers to know when and how detained suspects are to be restrained and when, where, and how particular restraining devices are to be employed, including special and prohibited methods.	231	Accepted/ In Progress	Mandated per Lexipol Policies 306 & 308, and reinforced via annual AOT and other periodic training. Random audits of UOF have been implemented to ensure compliance.	2	Deputy Chief Fairrow Glenn-Davis & Lt. Haight
MANAGEMENT CONTROL					
BART PD should require that 80% of its manpower work during special events or occasions when there will be heavy usage of the transit systems, train stations, or parking lots.	236	Accepted/ In Progress	Lexipol policy 216 (adopted 10/13/11) speaks to staffing levels, and provides for recommended minimum staffing. It does not, however, speak to minimum staffing of special events. An 80% staffing requirement appears to be a contractual issue, absent emergency situations, which will be reviewed prior to the next contract negotiations (expected in 2013) with the affected associations.	2	Deputy Chief Fairrow & Lt. Ledford
CALEA Accreditation	237	Not Recommended at this time	No action at this time		Chief

It is recommended that the BART PD add the job of Deputy Chief.	238	Completed		2	Chief
The BART PD should establish a system of daily accountability for all employees to ensure the Mission major goals of the agency and performance standards are being achieved. A daily activity report might be used to critique the officers' work load and activity during a shift.	239	Completed/ Ongoing		2	Deputy Chief Fairrow & Lt. Ledford
The BART PD should decrease the geographic span of control for first-line supervisors and increase the number of first-line supervisors to allow for adequate supervision of patrol shifts.	240	Completed/ Ongoing		2	Deputy Chief Fairrow & Lt. Ledford
All BART police supervisors should develop and adopt audit mechanisms (line inspections) for calls for service, activity reports and relevant police reports to uncover possible police misconduct.	241	Completed/ Ongoing		2	Deputy Chiefs Fairrow & Hartwig
OPERATIONS					
The Chief of Police should facilitate a stakeholder group to develop a Mission Statement that describes the organization's function and purpose and how that purpose will be achieved.	244	Completed		5	Chief, Lt. Franklin & Sgt. Dixon

The Chief of Police should develop a Vision Statement that describes where the department is headed within the next three to five year period.	245	Completed		5	Chief, Deputy Chief Glenn-Davis, Lt. Haight & Lt. Franklin
BART PD should revise their Core Values which identify the conduct and the character exhibited at every member of the organization while achieving the Mission.	246	Completed		5	Chief, Lt. Franklin & Sgt. Dixon
BART PD should develop a multiyear plan which outlines its major goals and mission.	247	Accepted/ In Progress	A SP Committee, consisting of a cross section of BPD personnel, was formed; the committee has completed their proposed draft of the SP and members of the committee are presenting the plan throughout the Department. SP will be approved and adopted by July 2013.	5	Chief & Deputy Chief Glenn-Davis
BART PD should develop a written directive system that indicates how policies and procedures are developed and implemented.	248	Completed/ Ongoing	Lexipol Policy and Procedures Manual has been adopted and implemented. We are currently using the SROVT system for policy review. Up to 20 policies a year including the Critical 8 policies. We also are considering utilizing the Lexipol Daily Training Bulletin to facilitate personnel knowledge of policies.	2	Deputy Chief Hartwig & Lt. Alkire
BART PD should provide training on its updated All Hazard Plan(s) for responding to critical incidents, such as natural and	249	Accepted/ In Progress	Lexipol Policy 206. All supervisors will be scheduled for ICS 300 & 400 by June 2012. Currently 10 out of the 15	5	Chief & Lt. Franklin

man-made disasters.			members of the Command Staff have completed the ICS 300/400 training. The remaining 5 members will complete training by September 2013. In order to maintain compliance with NIMS ICS training requirements, the Department will sponsor two ICS 300/400 classes by April 2013 in order to train District employees. Any command and/or supervisory personnel who are not able to attend the Department sponsored training will be scheduled to attend the necessary ICS classes as they are offered in the area. The Department will continue to work with the UASI and other regional agencies to make ICS classes available with the goal of training all Department command and supervisory personnel to the level of ICS 300/400 in addition to job specific ICS training.		
BART PD should enhance their record management system to be able to capture sufficient data to effectively capture officer contact and track crime	250	Accepted/ In Progress	New CAD & RMS scheduled to come online during FY 13-14. Comp Stat process has been implemented, to begin in 2013.	2	Deputy Chiefs Fairrow & Hartwig
BART PD should have a written directive establishing crime analysis procedures.	251	Completed		2	Deputy Chief Fairrow & Hartwig
Training on pursuit driving should be frequent and robust. Training on the pursuit	252	Completed/ Ongoing		2	Deputy Chief Glenn-Davis & Lt.

policy entails frequent discussion and review for the police pursuit policy and procedures during shift briefings, in addition to annual in-service training sessions, including a written test.					Haight
BART PD should create the position of Police Spokesperson in order to have a representative from the police department communicate directly with the community under the authority of the BART Media Relations Office.	256	Completed/ Ongoing	Lexipol Policy 346. The police spokesperson position has been identified in the Department re-organization. A police spokesperson has been appointed.	2	Chief
BART PD officers should focus more time on being visible on the platforms and riding the trains during proactive time.	257 <i>See 182</i>	Completed/ Ongoing		1	Chief, Deputy Chief Fairrow
BART PD should implement training and develop a policy for Department members in addressing subjects that suffer from mental illness.	258	Completed/ Ongoing	Hired "Crisis Intervention Outreach Consultant" in June 2012.	3	Chief, Deputy Chief Hartwig, Fairrow, Glenn- Davis, Lt. Haight & Lt. Forte
BART PD EMPLOYEE SURVEY					
Job Motivation	261	Accepted/ Pending	Survey tool(s) pending review/development	5	Chief & Deputy Chiefs
PROMOTION					
<ul style="list-style-type: none"> • Written exam • Assessment center • Oral interviews • Review of last 	306	Completed/ Ongoing	Promoted 5 lieutenants and 7 sergeants in the past three months.	5	Chief & Deputy Chiefs

performance evaluation <ul style="list-style-type: none"> Chief use rule of three to five of the top candidates. 					
BART PD should review the credit history of all police recruits more critically.	307	Completed/ On Going	Applicant credit histories are critically reviewed when assessing the viability of the candidate.	5	Deputy Chief Glenn-Davis & Lt. Haight
BART PD should develop a written directive that defines its role in the promotional process for sworn personnel.	308	Completed/ Ongoing		5	Chief & Deputy Chiefs
BART PD should develop a written directive that vests in an identifiable position the authority and responsibility for administrating the agency's role in the promotion process for sworn personnel	309 <i>See 308</i>	Completed/ Ongoing		5	Chief & Deputy Chiefs
BART PD should develop a written directive that describes all elements and procedures used in each promotional process.	310 <i>See 308</i>	Completed/ Ongoing		5	Chief & Deputy Chiefs
BART PD should consider adding an updated background check, evaluating performance appraisals, and an assessment center to the promotional process.	311	Completed/ Ongoing		5	Chief & Deputy Chiefs
BART PD should develop a written directive that establishes criteria and procedures for the	312	Completed		5	Chief & Deputy Chiefs

development and use of eligibility lists, if any, for sworn positions.					
BART PD should modify its policy and procedures to permit lateral entry hires for all promotional ranks.	313	Completed		5	Chief
BART PD should develop a written directive that requires at least a six-month probationary period for all sworn personnel who are promoted, with any exceptions defined.	314	Completed		5	Deputy Chief Glenn-Davis & Lt. Haight